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PATENT
Attorney Docket No.: 020375-020400US

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By: Bonnie Reckles

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ian M. Drysdale et al.

Application No.: 09/812,036

Filed: March 19, 2001

For: Method And System For
Providing A Targeted Electronic
Communication

Customer No.: 20350

Confirmation No.: 9345

Examiner: Alina A. Boutah

Art Unit: 2143

**DECLARATION PURSUANT TO
37 C.F.R. § 1.131**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Ian M. Drysdale, hereby declare that:

1. I am an inventor of the above-described patent application (hereinafter "the application") and of the subject matter described and claimed therein. Charles A. Fillinger is a co-inventor.

2. Prior to January 18, 2001, Mr. Fillinger and I conceived of the invention in the application (hereinafter "the invention") and were subsequently diligent in reducing to practice the invention, as evidenced by Exhibits A-E, attached hereto.

3. Exhibit A is a section of an invention disclosure submitted by Mr. Fillinger and me prior to January 18, 2001. The disclosure was prepared and approved by Mr. Fillinger and me, and submitted to our employer (First Data Corporation) on May 19, 2000. The disclosure shows conception of the invention described in the application. In particular, page 3 of the disclosure includes a description of transmitting targeted coupons to a wireless device of a customer as the customer enters a commercial establishment. The coupons can be based on customer "demographics" stored in the wireless device.

4. Exhibit B is a letter to me dated December 10, 2000, from Paul M. Schwartz, an attorney retained by my employer to prepare an application based on our invention. This letter shows the attorney file number for my application as "FDC 052 PUS." I was the principal contact for Mr. Schwartz (as between Mr. Fillinger and myself), and I worked diligently both before and after this date in discussing the application with Mr. Schwartz and reviewing drafts (with Mr. Fillinger) of the application. There were numerous discussions and drafts because of the complexity of the subject matter. As can be noted from Exhibit B, Mr. Schwartz and I were located in different parts of the country (Mr. Schwartz had his office in Michigan, and Mr. Fillinger and I worked together in Florida) and, thus, communications between Mr. Schwartz and me (and Mr. Fillinger) required significant effort and time.

5. Mr. Fillinger and I had, at the time the invention was being reduced to practice, very demanding positions with significant responsibility. Mr. Fillinger had the position of Vice President of Product Development for First Data Corporation. I had the position of Vice President of Mobile Commerce for First Data Corporation. Our positions required substantial travel, and during the period of time between January 18, 2001, and March 19, 2001, we separately traveled several times for important matters relating to the business of First Data Corporation. For example, I traveled to the New York city area twice (several days beginning

January 30, 2001, and several days beginning February 7, 2001). I also traveled to San Diego, California, for several days beginning March 13, 2001. Mr. Fillinger also traveled during this time. Our business travel required time and effort to schedule common time to discuss the application together. Frequently, we were not in our offices in Florida at the same time because of our travel schedules. Furthermore, because of our management responsibilities, we frequently had to attend to many business matters, including matters related to the subject application, after normal business hours. As one example only, Exhibit C is a copy of my calendar for Saturday, January 6, 2001, showing "patents" as one item that I worked on that day (outside of normal business hours). Such work included work on the application.

6. During the period of time between January 18, 2001, and March 19, 2001, I assisted in the preparation of the application numerous times and had numerous discussions with Mr. Fillinger and several telephone conversations with Mr. Schwartz. Exhibit D is a copy of my calendar for February 8, 2001, showing "patent wireless coupon" as an item worked on that day. Exhibit E is a copy (two pages) of my calendar for February 12, 2001, showing "patents" as an item worked on that day, and also showing "wireless coupon - 248-386-7200," a reference to Mr. Schwartz's phone number in Michigan and evidencing a telephone conversation I had with him that day concerning the application. Exhibit F is a copy (two pages) of the assignment form that was attached to a draft of the application prepared by Mr. Schwartz. Mr. Fillinger and I signed the assignment on February 20, 2001. We signed the assignment as part of reviewing the draft together, but then determined that the application needed further review and work. Exhibit G is a copy of the declaration (two pages) filed with the application, showing I signed the declaration on March 3, 2001, and Mr. Fillinger signed the declaration on March 6, 2001. On those dates Mr. Fillinger and I reviewed and were satisfied with the application, and we subsequently mailed the application (with our signatures) to Mr. Schwartz in Michigan for him to file at the Patent and Trademark Office.

7. The invention was constructively reduced to practice on March 19, 2001, the filing date of the application. Prior to January 18, 2000, and continuing until the filing of the

patent application, Mr. Fillinger and I were diligently working on reducing the invention to practice by assisting in the preparation of the patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued therefrom.

Respectfully submitted,

Date: May 31, 2005
60497954 v1

Ian M. Drysdale
Ian M. Drysdale

INVENTION DISCLOSURE FORM

Date: 5/19/00

Disclosure No: 0008 30144643

1. Title of Invention:

Wireless Coupon Distribution and Customer Data Gathering at Merchant Establishments

2. Submitter (should be a primary contributor to the inventive concept):

Full Name: Ian M. Drysdale
(First) (Middle) (Last)

Home Address: 11470 NW 56th Ct. #102
(Street)
Coral Springs, FL 33076
(City, State and Zip)

Work Location: Coral Springs

Department: Internet Commerce

Work Phone: (954) 851-7493

Home Phone: (954) 341-5863

Position: Vice President

Employee I.D. No.: 313 80 9492

Supervisor: John Duncan

Supervisor Phone No.: 516 843 6006

Citizenship: USA

Social Security No.: 313 80 9492

3. Other Contributor(s) to the Inventive Concept:

Full Name: Charles Fillinger
(First) (Middle) (Last)

Home Address: _____
(Street)

(City, State and Zip)

Work Location: Coral Springs

Department: Product Management

Work Phone: (954) 851-7302

Home Phone: (561) 994-3681

Position: Vice President
Employee I.D. No.:
Supervisor: Steven Van Fleet
Supervisor Phone No.: 631-391-7748
Citizenship: USA
Social Security No.: 282-40-3636

Other Contributor(s) to the Inventive Concept (continued)

Full Name: _____
(First) _____ (Middle) _____ (Last) _____

Home Address: _____
(Street) _____

(City, State and Zip) _____

Work Location: _____

Department: _____

Work Phone: (_____) _____

Home Phone: (_____) _____

Position: _____

Employee I.D. No.: _____

Supervisor: _____

Supervisor Phone No.: _____

Citizenship: _____

Social Security No.: _____

Full Name: _____
(First) _____ (Middle) _____ (Last) _____

Home Address: _____
(Street) _____

(City, State and Zip) _____

Work Location: _____

Department: _____

Work Phone: (_____) _____

Home: Phone: _____
Position: _____
Employee I.D. No.: _____
Supervisor: _____
Supervisor Phone No.: _____
Citizenship: _____
Social Security No.: _____

[Note: Attach additional sheet(s) if necessary]

4. Non-employee Contributor(s) to the Inventive Concept.

Have any persons who are not company employees contributed to the inventive concept?

No
(Yes/No)

If so, please attach a separate sheet with full details concerning any such individuals, their relationship to the company and their contribution.

5. Background of the Invention.

a) What is the problem/objective to which the invention is directed?

All info
The wireless industry is moving towards what I call "proximity" type features for cellular phones and personal digital assistants (eg Palm Pilots).

Info
As consumers enter merchant establishments, etc., coupons can wirelessly sent to their personal wireless device- cell phone, personal digital assistant, or pager. These coupons can be generic or can be targeted to the consumer based on the demographics in the device or a central database. The coupons can then be used via wireless connection at the Point of Sale. Similarly, the process can be used to identify consumers for informational purposes.

Info
This process will allow merchants to target information and advertisements based on up to the minute inventory levels, customer demographics, and their past buying histories. It will further allow merchants to address individual consumer needs- such as size requirements or color preferences.

b) What have been the prior solutions/approaches to the problem/objective?

Paper flyers at the door of the merchant establishment.

c) What are the shortcomings/limitations of the prior solutions/approaches?

No ability to target information to consumers as they enter merchants..

d) What is the solution/approach which forms the basis of the subject invention?

The wireless device and an antenna at the store, both linked to

e) How does the solution/approach of the present invention overcome/minimize the shortcomings/limitations of the prior solutions/approaches?

Both wireless automation and use of additional data in targeting the coupons are more effective than paper coupons.

6. **Detailed Description of the Invention.**

(Please attach technical specifications, block diagrams, flow charts, sketches, photocopies of engineering notebook pages, etc.)

Invention is a a) aforementioned process (we can get descriptions from TeleCheck) and a wireless device (aka card terminal) with a micr reader and optional scanner, like the Eclipse.

7. **Most Pertinent Prior Art.** (What is the closest "Prior Art" (e.g., patents, technical publications, products, work by other) of which you are aware? Please be as specific as possible.)

8. **Potential Commercial Value.**

(Do you have any estimate of the potential commercial value of, or market for, the invention? Will it provide the company with a significant competitive advantage over competitors who do not use it?)

This invention could become the standard method for consumers to receive coupons and merchants to gather traffic information. I believe that it would have substantial commercial value.

9. **Related Invention.**

(Please identify any inventions developed by you or other company employees which are related to, or complementary with, the present invention.)

10. **Related Products.**

(Please identify any current or past company products as to which the present invention is an improvement.)

The CellTrek Explorer wireless POS terminal is only marginally related to this invention.
Products that I am currently working on that envision person to person or business to consumer
commerce from wireless devices may encompass this type of process.

11. **Opportunity to Maintain the Invention as a Trade Secret.**

Will the invention be apparent from, or disclosed by, a visual inspection of the product in which it will be ultimately embodied? Yes

Can the invention be reverse engineered from the product in which it will be ultimately embodied? Yes

If Yes, easily? no or with substantial time and expense? Yes

12. **Conception of the Invention:**

a. Date and place invention was conceived:

In February 2000, Charles and I discussed meeting with Sensormatic Corp. We brainstormed uses of security technology with wireless technology.

b. Date of first drawing(s) or written description:

c. Location of first drawings

or written description: 2/5/00, location, Coral Springs, Ian Drysdale's office.

- d. Date invention was first orally disclosed to others: _____
- e. Person(s) to whom invention was first orally disclosed: _____
- f. Engineering Notebook I.D. and Page Nos.: _____
- g. Present location of Notebook: _____
- h. Witness(es) to conception: Sandy Mollett, Dallas Martin

13. Reduction to Practice: n/a

- a. Date first prototype or working model was completed: _____
- b. Person(s) who constructed prototype/model: _____
- c. Present location of prototype/model: _____
- d. Date of first test: _____
- e. Results of test: _____
- f. Witness(es) to Test: _____

14. Commercial Activity:

- a. Has a physical embodiment of the invention been: n/a

- 1. Sold? _____ Earliest Date: _____

2. Offered for sale? _____ Earliest Date: _____

3. Demonstrated to customers? _____ Earliest Date: _____

4. Exhibited at a trade show? _____ Earliest Date: _____

5. Sent to beta test? _____ Earliest Date: _____

6. Incorporated in a product? _____ Earliest Date: _____

7. Used internally for commercial purposes? _____ Earliest Date: _____

8. Etc. (Please describe any other commercial activity)

15. Public Disclosure:

a. Has the invention been disclosed to third parties (non-employees) without conditions of confidentiality? _____ no _____
(Yes/No)

b. If Yes, when and under what circumstances?

c. Nature of Disclosure (e.g., technical publication, written proposal or specification, oral communication, etc.)

d. Level of technical detail in disclosure:

[Note: attach copy of disclosure if available]

16. **Public Use:**

a. Has the invention been used by anyone outside the Company? no _____
(Yes/No)

b. If Yes, what was the earliest date of such use: _____

c. Describe the circumstances of such use:

17. **Anticipated Commercialization, Disclosure or Use:**

(Please provide dates and details):

As we develop comprehensive wireless ecommerce solutions, this invention will be a natural fit.

18. **Third Party Rights:** If there are, are there any third parties (contractors, consultants, joint developers) who may have any ownership or other legal rights in the invention, please provide details:

none.

19. **Government Rights:** If the invention was made pursuant to a Government contract, please provide details, including contract number and agency:

none.

20. Signature of inventor(s):

Name	Title	Signature	Date
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Name	Title	Signature	Date
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Name	Title	Signature	Date
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Name	Title	Signature	Date
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Name	Title	Signature	Date
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21. Witness(es)

Name	Title	Signature	Date
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Name	Title	Signature	Date
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ACTION BY PATENT REVIEW COMMITTEE

Decision of file application _____
(Yes/No)

Date: _____

Reason(s) for decision not to file (e.g., insufficient commercial value, better protected as a trade secret, etc.)

SCHWARTZ & SCHWARTZ, P.L.C.
ATTORNEYS & COUNSELORS
INTELLECTUAL PROPERTY

29623 NORTHWESTERN HIGHWAY
SUITE 200
SOUTHFIELD, MICHIGAN 48034
TELEPHONE: (248)386-7200
FACSIMILE: (248)386-7225

December 10, 2000

Mr. Ian M. Drysdale
11470 NW 56th Ct. #102
Coral Springs, Florida 33076

VIA FEDERAL EXPRESS

Re: Our File No.: FDC 0502 PUS
Title: **WIRELESS COUPON DISTRIBUTION AND CUSTOMER
DATA GATHERING AT MERCHANT ESTABLISHMENTS**

Dear Ian:

I have enclosed a Declaration and Assignment in the above referenced patent application along with another copy of the application. If the application meets with your approval, please sign and date the papers before a notary and have Mr. Fillinger do the same. Please forward the signed documents to my attention for filing with the patent office.

Thank you for your assistance.

Very truly yours,

SCHWARTZ & SCHWARTZ, P.L.C.



Paul M. Schwartz

PMS/km

Enclosures

**Monthly Focus: Roles—**

Your key relationships and responsibilities are where you spend your time, energy, and resources.

In a democracy, the individual enjoys not only the ultimate power but carries the ultimate responsibility.
— Norman Cousins

6**Saturday
January 2001**

6th Day 359 Left Week 1

Daily Record of Events**PATRIS**

8

Thursday
February 2001

S	M	T	W	T	F	S
					1	2
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

- ✓ Task Completed
- Planned Forward
- ✗ Task Deleted
- 6 ⓘ Delegated Task
- In Process

S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6			1	2	3			
7	8	9	10	11	12	13'	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

↓ ABC Prioritized Daily Task List

Daily Expenses

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Original-Classic

Appointment Schedule

8	
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6	
7	
8	

12

**Monday
February 2001**

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

- ✓ Task Completed
- Planned Forward
- ✗ Task Deleted
- G D Delegated Task
- In Process

↓ ABC Prioritized Daily Task List

S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2001							March 2001						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6				1	2	3		
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

Appointment Schedule

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8-10-00



Monthly Focus:

Relationships—

Who are the people that matter most to you?

If a man is worth loving at all, he is worth loving generously, even recklessly.
— Marie Dressler

12

Monday

February 2001

Daily Record of Events

43rd Day 322 Left Week 7

(954) 385-8595 ~~as 5400 n. 1st for staves before .com~~

- ① GABIN.
- ② Dick L.
- ③ Terry G. → Friday. → moderator.
- ④ "Wireless Payoff" → 248-~~55~~386-7200
- ⑤ via touch?
- ⑥ CABL
- * ⑦ Call N.Y. → 19634 5400 n. 1st.
- ⑧ Determine - Calif.
- ⑨ Terry brother.
- ⑩ Terry → mpos Ass. Full G.

edimanceph.

(888) =
800 394-1425 19611

\$35mm 100%

- ⑪ Carrie Wadsworth (63) 761-7919 → B2e Body.
- ⑫

ASSIGNMENT

For the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, we Ian M. Drysdale of 11470 NW 56th Ct. #102, Coral Springs, Florida 33076, and Charles A. Fillinger of 7475 NE 8th Court, Boca Raton, Florida, 33487-1713, do hereby assign, sell and set over to First Data Corporation, a corporation organized and existing under the laws of the State of Delaware and having a place of business at 401 Hackensack Avenue, Hackensack, New Jersey 07601 hereinafter referred to as the ASSIGNEE, its successors, assigns or other legal representatives, the entire right, title and interest, domestic and foreign, in and to the inventions and discoveries in

**WIRELESS COUPON DISTRIBUTION AND CUSTOMER DATA GATHERING AT
MERCHANT ESTABLISHMENTS**

set forth in the application for United States Letters Patent executed by us on the 20th day of February, 2000, and the 20th day of February, 2000, respectively, including the right of said ASSIGNEE, its successors, assigns or other legal representatives to make applications and to receive Letters Patent for said inventions and discoveries in any and all foreign countries in its or their own name or names, or in our names, at its or their election, and we hereby assign, sell and set over to said ASSIGNEE, its successors, assigns or other legal representatives, all rights of priority in and to said inventions and discoveries in all countries.

And we hereby agree for ourselves, our heirs, successors, assigns or other legal representatives to execute any and all papers, including applications for Letters Patent of any and all kinds and in any and all countries and to perform any and all acts which said ASSIGNEE, its successors, assigns or other legal representatives may deem necessary to secure thereto the rights herein assigned, sold and set over.

And we hereby represent and warrant that we have not granted any rights inconsistent with the rights granted herein.

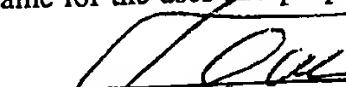


IAN M. DRYSDALE

STATE OF Florida)
) ss.

COUNTY OF Broward)

On this 20 day of February, 2001, personally appeared before me Paul Gallo, to me known to be the person named in and who executed the above instrument, and acknowledged that he executed the same for the uses and purposes therein mentioned.


Notary Public
My Commission expires:

Paul J. Gallo
Commission # CG 880877
Expires Oct. 19, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

(SEAL)

Charles Fillinger
CHARLES FILLINGER

STATE OF *Florida*)
) ss.
COUNTY OF *Broward*)

On this 20 day of February 2001, personally appeared before
me Paul Gallo, to me known to be the person named in and who executed the above
instrument, and acknowledged that he executed the same for the uses and purposes therein mentioned.



Paul J. Gallo
Commission # QC 880877
Expires Oct. 19, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

Paul Gallo
Notary Public
My Commission expires: 2003

(SEAL)

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

Atty. Docket No. FDC 0502 PUS
First Named Inventor Ian Drysdale et al

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

WIRELESS COUPON DISTRIBUTION AND CUSTOMER DATA GATHERING AT MERCHANT ESTABLISHMENTS

the specification of which:

[] is attached hereto; or
[] was filed on (MM/DD/YYYY) _____ as U.S. Application Number or PCT International Application Number _____, and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Priority Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? (Yes/No)
.....

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
.....

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number(s)	Filing Date (MM/DD/YYYY)	Status: Patented, Pending, Abandoned
.....

Declaration for Patent Application (cont'd.)

Atty. Docket No. FDC 0502 PUS

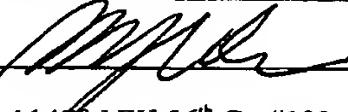
I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Paul M. Schwartz, Reg. No. 33,278

Address all correspondence and telephone calls to Paul M. Schwartz
at SCHWARTZ & SCHWARTZ, P.L.C., 29623 Northwestern Highway, Suite 200, (248) 386-7200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

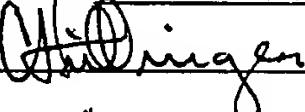
Full Name of Sole or First Inventor Ian M. Drysdale

Inventor's signature  Date 3/3/2001

Post Office Address 11470 NW 56th Ct. #102, Coral Springs, Florida 33076

Residence (Same as above) Citizenship U.S.A.

Full Name of Second Joint Inventor Charles A. Fillinger

Inventor's signature  Date 3/6/2001

Post Office Address 7475 NE 8th Court, Boca Raton, Florida 33487-1713

Residence (Same as above) Citizenship U.S.A.

Full Name of Third Joint Inventor _____

Inventor's signature _____ Date _____

Post Office Address _____

Residence _____ Citizenship _____

Full Name of Fourth Joint Inventor _____

Inventor's signature _____ Date _____

Post Office Address _____

Residence _____ Citizenship _____

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